

TITLE 326 AIR POLLUTION CONTROL BOARD

#97-13(APCB)

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from November 1, 1999, through November 30, 1999, on IDEM's draft rule language. IDEM received comments from the following party:

Eli Lilly and Company

(ELC)

Following is a summary of the comments received and IDEM's responses thereto.

Comment: The proposed language under 326 IAC 2-2-1(o)(2)(H) should be revised to delete the language under item (i) concerning a determination that the project renders the unit less environmentally beneficial. The language is redundant because in subdivision (H) there is already language concerning a determination that the project is environmentally beneficial. (ELC)

Response: IDEM agrees and has revised the language to provide clarification.

Comment: The language under 326 IAC 2-2-1(o)(2)(H) concerning permitting requirements under 326 IAC 2-7-10.5 should be revised to delete language under subdivision (8) and to refer to a new subdivision, 326 IAC 2-7-10.5(f)(10). The revisions to 326 IAC 2-7-10.5(f)(8) and the new 326 IAC 2-7-10.5(f)(10) should read as follows:

(8) Modifications involving a pollution control project as defined in 326 IAC 2-1.1-1(13) that result in an increase in the potential to emit ~~PM₁₀ greater than or equal to fifteen (15) tons per year or~~ any ~~other~~ regulated pollutant greater than the applicable thresholds under subdivisions (3) through (7) and require a significant change in the method or methods to demonstrate or monitor compliance.

(10) Modifications involving the addition, replacement or use of a pollution control project at an existing source that the department determines is environmentally beneficial, unless the pollution control project would result in a significant net emissions increase that will cause or contribute to a violation of any national ambient air quality standard (NAAQS) or PSD increment. The requirement to process such modifications in accordance with subsection (g) does not apply to pollution control projects for which the department approved as an environmentally beneficial pollution control project through a permit issued prior to July 1, 2000.

The addition of subdivision (10) provides clarity and parallels the language under 326 IAC 2-2-1(o)(H) and provides “grandfathering” for projects that have already gone through the permitting process. Additional permitting requirements for these projects provides no added benefits.

Response: IDEM agrees that the language under 326 IAC 2-7-10.5 should be revised to ensure that there is a process for exempting pollution control project from the prevention of significant deterioration requirements and has revised subdivision (d)(3) and (f)(8). Environmentally beneficial projects that have been approved through a previously issued permit have been subject to the same level of review established by this rule. IDEM agrees that there would be no additional benefit to repeat the permit process for facilities that have already gone through that process and has revised the language under 326 IAC 2-7-10.5(f)(8) and added similar language to 326 IAC 2-7-10.5(f)(9).